

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004-12-13 P 2:01

NATIONAL GRANGE MUTUAL :
INSURANCE COMPANY :
as Subrogee of Gary and Amanda :
Kazowski, :

Plaintiff, :

v. :

AMERICAN STANDARD, INC., :

Defendant. :

Civil Action No.: 04-40227

**MOTION FOR ADMISSION OF
ERICK J. KIRKER, PRO HAC VICE**

Now comes Plaintiff, National Grange Mutual Insurance Company, as subrogee of Gary and Amanda Kazowski, by and through its local counsel, Roy P. Giarrusso of Giarrusso, Norton, Cooley & McGlone, P.C. and hereby moves, pursuant to Local Rule 83.5.3(b), for an order permitting attorney Erick J. Kirker from the law office of Cozen O'Connor in Philadelphia, Pennsylvania to practice before this Court *Pro Hac Vice* in the above-captioned matter on behalf of the Plaintiff.

In support of its motion the Plaintiff states the following:

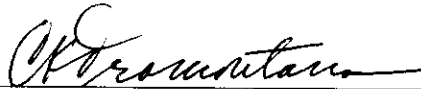
1. Attorney Kirker is a member in good standing of the highest courts in the Commonwealth of Pennsylvania and the State of New Jersey.
2. Attorney Kirker has an existing attorney/client relationship with the Plaintiff, National Grange Mutual Insurance Company, which involves specialized knowledge of the issues being presented in the present lawsuit.

FILED FEE PAID:
RECEIPT # 404471
AMOUNT \$ 50.00
BY DPTY CLK SG Jones
DATE 12-13-04

3. Admission of Attorney Kirker would foster the efficient use of the client's and court's resources in this case.
4. The undersigned has been a member in good standing of the bar of Massachusetts since June, 1987 and a member admitted to practice before this Court since February, 1988 and will be associated with Attorney Kirker in the prosecution of this action.
5. Attorney Kirker has been provided with the Local Rules of this Court and has familiarized himself with these Rules (See Affidavit attached hereto).

Wherefore, the Plaintiff respectfully requests that this Honorable Court allow its motion and admit attorney Erick J. Kirker *Pro Hac Vice*.

Respectfully submitted,
NATIONAL GRANGE MUTUAL
INSURANCE COMPANY as subrogee
of GARY and AMANDA KAZOWSKI,
By its attorneys,



Roy P. Giarrusso, BBO #549470
Christine Kelley Tramontana, BBO #644849
GIARRUSSO, NORTON, COOLEY
& MCGLONE, P.C.

Marina Bay
308 Victory Road
Quincy, MA 02171
(617) 770-2900

Dated: December 8, 2004

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

NATIONAL GRANGE MUTUAL	:	
INSURANCE COMPANY	:	
as Subrogee of Gary and Amanda	:	
Kazowski	:	Civil Action No.:
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AMERICAN STANDARD, INC.	:	
	:	
Defendant	:	
	:	

AFFIDAVIT OF ERICK J. KIRKER

COMMONWEALTH OF PA :
:ss
PHILADELPHIA COUNTY :

Erick J. Kirker, Esquire, being duly sworn, deposes and says:

1. I am a resident of the State of Pennsylvania and a senior member of the law firm of Cozen O' Connor, The Atrium, 1900 Market Street, Philadelphia, Pennsylvania.

2. I have been a member in good standing of the Bars of the Commonwealth of Pennsylvania and the State of New Jersey and have been licensed to practice before the Supreme Court of these states at all times subsequent to October 30, 1998 and June 22, 2000 respectively, and am presently a member in good standing of these Bars. (See Certificates of Good Standing attached hereto as Exhibit "A").

3. I was duly admitted to the Bars of the United States District Court for the Eastern and Middle Districts of Pennsylvania in 1999 and 2004, respectively, and am presently a member in good standing of these Bars.

4. No disciplinary proceedings or criminal charges have ever been instituted against me in the Commonwealth of Pennsylvania or any other state.

5. I and my firm practice in the area of property insurance and property loss cases. I and my firm have a long-standing relationship with National Grange Mutual Insurance Company, the property insurer of Gary and Amanda Kazowski, plaintiff's insured herein.

6. National Grange Mutual Insurance Company requests that I and my firm represent it in connection with the above-captioned matter.

7. If the Court shall allow my Motion to Appear Pro Hac Vice in the above-captioned matter, I will continue to represent my client in this proceeding until the final determination thereof, and with reference to all matters, incidents or proceedings, I agree that I shall be subject to the orders and amenable to disciplinary action and the civil jurisdiction of this Court and the Massachusetts state bar in all respects as if I were regularly admitted and a licensed member of the Bar of the State of Massachusetts in good standing.

8. I am associated with and have personally appearing with me in these proceedings, Christine Kelley Tramontana, Esquire, an attorney who is duly and legally admitted to practice in both the State of Massachusetts and the United States District Court for the District of Massachusetts, and upon whom service may be had in all matters connected with the above-

captioned cause, to any disciplinary matter arising out of the same, with the same effect as if personally made on me within the Commonwealth of Pennsylvania.

9. I certify that all of the foregoing statements made by me are true, I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

10. I respectfully request that the Court grant my admission Pro Hac Vice for the purpose of the above-captioned proceedings, including all discovery, pre-trial proceedings, hearings, trial proceedings, and proceedings on appeal.


ERICK J. KIRKER, ESQUIRE

Sworn before me this 30th
day of November, 2004


Notary Public

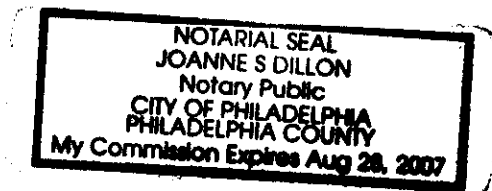


Exhibit A

RECEIVED



Supreme Court of Pennsylvania

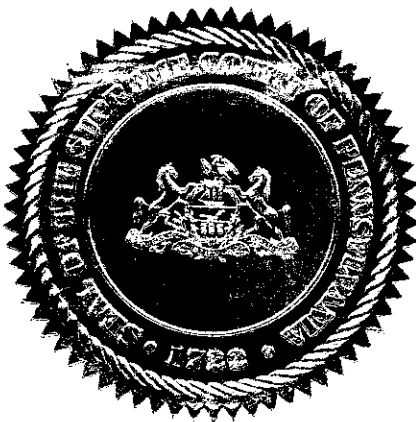
CERTIFICATE OF GOOD STANDING

Erick J. Kirker, Esq.

DATE OF ADMISSION

October 30, 1998

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



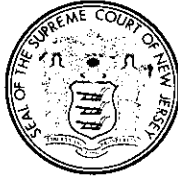
Witness my hand and official seal

Dated: November 23, 2004

A handwritten signature in black ink, appearing to read "John W. Person Jr.", written over a horizontal line.

John W. Person Jr.
Deputy Prothonotary

Supreme Court of New Jersey

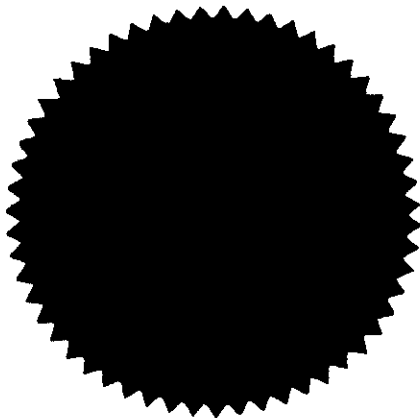


Certificate of Good Standing

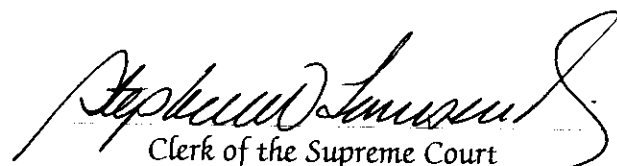
This is to certify that **ERICK J KIRKER**
(No. **024351998**) was constituted and appointed an Attorney at Law of New Jersey on **June 22, 2000** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
23RD day of November, 20⁰⁴


Clerk of the Supreme Court

CERTIFICATE OF SERVICE

I, Christine Kelley Tramontana, hereby certify that I have this day served the foregoing "Motion for Admission of Erick J. Kirker, *Pro Hac Vice*" and the "Affidavit of Erick J. Kirker" by causing copies thereof to be mailed, by first-class mail, to Attorney Judith Feinberg, Adler, Cohen, Harvey, Wakeman & Guekguezian, LLP, 230 Congress Street, Boston, MA 02110.

A handwritten signature in black ink, appearing to read "CK Tramontana", written over a horizontal line.

Christine Kelley Tramontana

Dated: December 8, 2004